IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1650 OF 2006

Sonam Mahendra Patel.... ....Petitioner.

Versus

Divisional Caste Certificate Scrutiny Committee and Others.... ... Respondents.

Mrs.A.V.Latne for the Petitioner.

Mr. R.D.Rane, GP for Respondent Nos.1 to 3.

CORAM : V.G. PALSHIKAR, and V.R.KINGAONKAR, JJ.

DATED : 3RD APRIL, 2006.

P.C.:

Heard. Rule. By consent of parties, Rule made returnable forthwith and finally heard.

2. By this petition, the Petitioner has challenged the order passed by the Caste Scrutiny Committee on 16th September, 2005 declining to verify the validity of the certificate tendered by the Petitioner as belonging to a particular caste on the ground that the Petitioner is a migrant and therefore not entitled to any benefit.

3. The job of the Committee is to verify the caste claim of a particular candidate and on due verification to decide whether the claim is valid or not. The question as to the candidate availing of certain concession arising out of such certificate would depend on the law that would be prevailing at the time when the claim for such concession is made. Therefore, relying on such circulars the examination of the certificate for its validity cannot be avoided. The order, therefore, suffers from basic jurisdictional error. It is hereby set aside and the matter is remitted back to the Committee for considering the validity of the caste claim as made by the Petitioner. This be done as early as possible, preferably in six months.

4. Rule made absolute in the above terms. Petition is, accordingly, disposed of. No order as to costs.

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